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	IO-00	LAB-01	L-00	MOFM-00	MOF-00	VCIE-00	NSAE-00
	OIG-00	NIMA-00	PA-00	MCC-00	PER-00	GIWI-00	SP-00
	IRM-00	NCTC-00	FMP-00	BBG-00	R-00	ECA-00	SCRS-00
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SUBJECT: TOGO: National Assembly Modifies Press Freedoms

¶1. Summary. On October 30, the Togolese National Assembly adopted a bill modifying a 2004 law governing the influence and power of the High Authority of Audiovisual and Communications (HAAC). The new law substantially reinforces the power of the HAAC. The vote exposed weaknesses and fissures within Togo's fragile parliamentary opposition coalition. Early analysis indicates that the law contrasts poorly with the broad press freedoms outlined by Togo's Press Code and Constitution. Journalists were not consulted during the National Assembly's deliberative process and on November 2 leaders representing Togo's four media associations are likely to issue a joint press statement denouncing the new law and voicing their discontent. This act comes as Togo prepares for February 28, 2010 presidential elections. The timing and tone of the new law is noteworthy and raises concerns about Government of Togo's (GoT) intentions for a transparent election process. End summary.

Overview: Constitutional Protections and the Revised HAAC Law

¶2. Article 26 of the Togolese Constitution guarantees and protects press freedoms. Specifically, the constitution states that the press is not subject to authorization, bond, censorship or any other obstacle from the government. Article 1 of the Togolese Press Code, approved in 2004 by the National Assembly, guarantees that print and broadcast journalists may operate freely provided that they respect professional ethics.

¶3. On November 28, 2008 the GoT introduced legislation modifying the 2004 law for consideration by the National Assembly. The Assembly did not take up the matter until October 27, 2009 when members of the Commission on Constitutional Laws, Legislation of the General Administration and the Commission on Economic Development and Territorial Administration - commissions within the National Assembly - reviewed and amended the document. The new legislation contains sixty-nine articles, six of the articles are modifications to the 2004 law and ten articles have been added to the existing legislation. Togolese President Faure Gnassingbe has 15 days to sign the legislation once it is sent to his office by the National Assembly.

¶4. The 2009 Law of the High Authority of Audiovisual and Communications will require newspaper publishers to provide a copy of each issue to the HAAC after publication. Broadcast media outlets will be required to provide a copy of each radio or television program to the HAAC for review after transmission. Journalists and media outlets refusing to comply with HAAC orders may now face a series of sanctions. These penalties may include broadcasting or media licenses and credential revocation or temporary suspensions for individual journalists and media organizations. The HAAC may also work with law enforcement authorities to close media outlets and seize their equipment if they fail to comply with HAAC decrees. Under the new legislation, a HAAC-led disciplinary board can question individual journalists about specific infractions.

¶5. Members of Togo's political opposition parties were present on

the National Assembly panel charged with editing and amending the new media rules. The opposition agreed to support the GoT-led initiative, despite indications that it would adversely impact privately owned media which is largely sympathetic to their interests.

¶16. Opposition representatives assumed the law would face a vote during a plenary session of the National Assembly 15 days after its introduction into the commission. Representatives of the ruling, Rally of the Togolese People party (RPT) introduced the legislation for a vote by the full Assembly after only three days of deliberation within the commission. On October 30, the National Assembly voted on the legislation revised by the commission. Members of the opposition party Union of the Forces of Change (UFC) declined to participate in the vote and left the Assembly chamber. The remaining opposition group Action Committee for Renewal (CAR), chose to abstain from the vote. The legislation passed with 48 votes from RPT. The National Assembly consists of 81 deputies, 50 RPT, 27 UFC and four CAR.

#### Local Media Reaction

¶17. The Togolese government owns and operates a daily newspaper, the national television station and several regional radio stations. Private media has expanded rapidly in Togo since the late 1990s and includes 25 newspapers, eight television stations and nearly 100 radio stations. Generally, Togolese media outlets face significant fiscal shortfalls and are hampered by a low degree of professionalism. There are very few journalism programs within Togo's institutions of higher education. Many journalists have only a high school level of education. Because they are paid inconsistently many journalists will routinely write stories in exchange for money, regardless of their veracity.

¶18. Representatives of Togo's four media associations met on November 2 and issued a joint statement in response to the new law. Their statement denounced the legislation calling it an attempt by the government to "muzzle the press". The group noted that the law endangers journalism in Togo at a time when the government professes to be committed to reconciliation.

¶19. Comment: Post sees this action by the GOT as a serious step backward, away from the more liberal and enlightened press code that had been negotiated as part of the Global Political Agreement and the list of 22 Agreements made with the European Union. Furthermore, the timing is very suspect, coming just four months before the Presidential election. When the Ambassador expressed her dismay to the Prime Minister and the Minister of Cooperation, in the context of discussing Togo's MCC scorecard, both seemed surprised at her comments, as if they did not make the connection between press freedom and the criteria of political rights and civil liberties. The international community has quietly agreed that this action does not bode well for election preparations, although there has been no public comment from other diplomatic missions. Post is debating whether or not to issue a brief press release stating that we interpret this as a step backward and that we hope it will not discourage free and fair press coverage of the election. End comment.